

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,  
and Bernard L. Madoff,

Plaintiff,

v.

BANCA CARIGE S.P.A.,

Defendant.

Adv. Pro. No. 11-02570 (CGM)

**DECLARATION OF BRIAN W. SONG IN OPPOSITION TO  
DEFENDANT’S MOTION TO DISMISS THE COMPLAINT**

I, Brian W. Song, declare the following:

1. I am a Partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III (“SIPA”), and the chapter 7 estate of Bernard L. Madoff. I submit this Declaration in opposition to Defendant’s Motion to Dismiss the Complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of a Fairfield Sentry Limited Private Placement Memorandum dated April 2006 (SECSEV2150333-SECSEV2150397).

3. Attached hereto as Exhibit 2 is a true and correct copy of a Fairfield Sentry Limited Private Placement Memorandum dated August 14, 2006 (SECSEV0749666-SECSEV0749726).

Dated: March 28, 2022  
New York, New York

Respectfully submitted,  
  
BAKER & HOSTETLER LLP

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